

REMARKS

This application has been reviewed in light of the Office Action dated December 16, 2003. Claims 7-10 and 13-26 are presented for examination, of which Claims 7, 9, 13, 15, 19, and 23 are in independent form. Claims 19-26 have been added to provide Applicant with a more complete scope of protection. Claims 7, 9, and 13 have been amended to define Applicant's invention more clearly. Favorable reconsideration is requested.

Applicant acknowledges, with appreciation, the indication that Claims 15-18 have been allowed. New Claims 19-22 are method claims respectively corresponding to Claims 15-18; and new Claims 23-26 are storage medium claims respectively corresponding to Claims 15-18. Therefore, Applicant respectfully submits that new Claims 19-26 are allowable over the prior art of record.

The Office Action states that Claims 7, 9, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,211,972 (Okutomi et al.); and that Claims 8, 10, and 14 are rejected under § 103(a) as being unpatentable over Okutomi et al. in view of Japanese Patent No. 10-32671 (Yasumoto et al.). Applicant respectfully traverses the rejections and submits that independent Claims 7, 9 and 13, together with the claims dependent therefrom, are not anticipated by Okutomi et al. for at least the following reasons.

An aspect of the present invention set forth in Claim 7 is directed to a control method for performing facsimile communication via the Internet. According to the method, either a first or a second facsimile communication mode is selected in accordance with a size of one page of an original. Based on the selected facsimile communication mode, a communication

unit, which has a function for performing a first facsimile communication based on e-mail via the Internet and a second facsimile communication not based on e-mail via the Internet, is caused to execute a facsimile communication.

As an illustrative example¹, the first mode and the second mode could correspond to the Internet Fax Protocol standards T.37 and T.38, respectively. The T.37 standard defines an e-mail-based Internet Fax Protocol, and functions defined by the T.37 standard are partly set according to functions defined by the T.30 standard, which is a basic Fax Protocol standard. For example, according to the T.37 standard, the size of a transmitted document is limited only to the A4 size. The T.38 standard, in contrast, defines a session-based Internet Fax Protocol that is not e-mail-based, and functions defined by the T.38 standard are the same those defined by the T.30 standard.

In the illustrative example, when an original document, which cannot be transmitted by the e-mail-based protocol (i.e., the document size is not A4) is to be transmitted, the second mode is selected. Similarly, when an original document that can be transmitted by the e-mail-based protocol (i.e., the document size is A4) is to be transmitted, the first mode is selected.

Okutomi et al. relates to a system for converting facsimile data to e-mail data and *vice versa*, so that a document can be transmitted by facsimile or by e-mail. However, Okutomi et al. is not seen to disclose or suggest that the system includes a facsimile apparatus

¹ The examples provided herein are intended for illustrative purposes. It should not be construed that the scope of the claims are limited to the illustrative examples or any details discussed therewith.

that is able to handle both an e-mail-based facsimile communication via the Internet, in which the available functions may be restricted, and a non-e-mail-based facsimile communication via the Internet, in which the available functions are not restricted. Therefore, Okutomo et al. fails to recognize one of the problems solved by the method of Claim 7, that is, the problem of the size of a page of an original influencing selection of a communication mode for executing a facsimile communication.

Nothing has been found in Okutomi et al. that is believed to teach or suggest a facsimile apparatus control method for performing facsimile communication via the Internet, wherein the method includes "selecting either one of a first or a second facsimile communication mode in accordance with a size of one page of an original," and "causing a communication unit with a function for performing a first facsimile communication based on e-mail via the Internet and a second facsimile communication not based on e-mail via the Internet to execute a facsimile communication in accordance with the selected facsimile communication mode," as recited in Claim 1.

Accordingly, Applicant submits that Claim 7 is not anticipated by Okutomi et al., and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claims 9 and 13 include a feature similar to that discussed above, in which a first facsimile communication based on e-mail via the Internet and a second facsimile communication not based on e-mail via the Internet is performed based on a size of a page of an original. Therefore, those claims also are believed to be patentable for at least the above reasons. Additionally, the other rejected claims in this application depend from one or another of the independent claims

discussed above, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.


In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

CONCLUSION

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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